

REMARKS

The Official Action sets forth a Restriction Requirement, the Examiner asserting that claims 23-29, falling into Group I are materially different from the invention of claims 30-33, falling into Group II. The Examiner asserts in the Official Action that the product of Group II “can be made by a material different process, such as one without any plurality opening and protusions projection.” [sic]

The applicant provisionally elects the claim of group I (claims 23-29) with traverse.

The assertion made by the Examiner is incorrect. The Examiner asserts, for example, that the product of Group II, which includes claims 30-33 can be made “without any plurality of opening”. How is that so given the fact that claim 31 recites “a repeating pattern of holes therein, the holes penetrating the structure between the first and second major surfaces thereof”? How is the product of claim 31, which falls into Group II, made without “any plurality opening” as asserted by the Examiner if it has holes as recited? The Examiner’s assertion is just plain incorrect.

Claims 30 and 31 (by dependency) recite “a repeating pattern of sidewall surfaces”. How are sidewalls obtained without “protusions projection” as asserted by the Examiner?

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Since the assertions made by the Examiner in the Official Action as to how the product in Group II can be made are incorrect, then the rationale for making the Restriction Requirement falls apart and the Restriction Requirement should be withdrawn as having been made improvidently.

In the Official Action the Examiner also objects to Claim 22 under 37 C.F.R. 1.75(c). The objection is not understood given the fact that as the Examiner admits in the summary portion of the Official Action that only claims 23-33 are pending in this application. Why is the Examiner objecting to a claim which is not pending in this application? The Examiner is respectfully requested to withdraw the objection as having been made improvidently.

Reconsideration of this application as amended is respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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Respectfully submitted,


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